



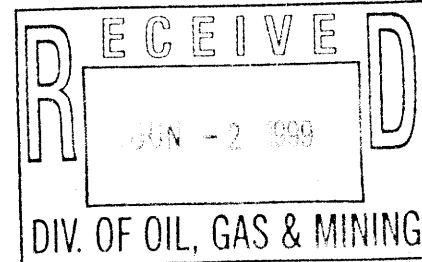
IN REPLY REFER TO:

3809
U-75749
(UT-023)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake District Office
2370 South 2300 West
Salt Lake City, Utah 84119



MAY 28 1999

CERTIFIED MAIL #P 760 540 063
RETURN RECEIPT REQUESTED

DECISION

William L. Bown	:	
Utah Building Stone Supply	:	43 CFR 3809
842 West 400 North	:	Establishment of a Record
West Bountiful, Utah 84087	:	of Noncompliance

On May 14, 1998, we received your Notice for milling activity on the Dove Creek mill site (UMC 364712) in Section 12, T. 12 N., R. 15 W., Box Elder County, Utah. The Notice was accepted on June 22, 1998, and assigned Bureau of Land Management (BLM) file number U-75749.

During an inspection of the Dove Creek mill site area on October 5, 1998, it became apparent that saving a six or eight inch layer of topsoil for final reclamation use as stated in the accepted Notice was not being performed. In addition, an earthen pit privy had been constructed on site for disposing of solid waste.

On October 19, 1998, you were sent a certified letter from this office, placing you in Noncompliance for failure to save topsoil as accepted in your Notice, and for not properly disposing of solid waste that have resulted in unnecessary and undue degradation of Public Land. In that decision letter, you were given 15 days to do the following: 1) immediately cease all stockpiling, splitting or palleting operations on the subject mill site, until the following items are completed; A) for the five-acre mill site salvage, store and mark (sign) ten inches of topsoil for final reclamation on the eastern portion of the mill site; B) properly dispose of the waste within the earthen pit privy, by pumping the fluids using an appropriate pumping service. Materials left after the pumping must be excavated and disposed of at an appropriate facility pursuant to county regulations. Submit to this office a receipt for the pumping services to verify that the pit was properly pumped. Prior to backfilling the pit, contact this office for a field inspection. The pit may be backfilled after the field inspection is conducted. You are not allowed to bury the solid waste on site or other public lands; and C) provide this office with copies of sanitation permits from Bear River Health Department.

An inspection of the site on November 16, 1998 revealed that there was no stored topsoil and no changes to the earthen pit privy. In addition, behind your far eastern trailer there was evidence of

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gray water being disposed on the ground surface. For failure to save topsoil on the Dove Creek mill site and complete other requirements outlined in the Notice of Noncompliance, you have established a Record of Noncompliance as of November 16, 1998.

As of this date, we have never been contacted by telephone or letter regarding the October 19, 1998, Notice of Noncompliance Decision.

A Record of Noncompliance means that you will have to file a Plan of Operations and a 100 percent reclamation bond with the BLM for all existing mining activity in excess of casual use conducted on BLM administered lands nationwide. Within the Salt Lake Field Office, this would include your milling activity on the Enterprise mill site (case file U-72297), rock activity near Lynn Springs (case file U-72301), rock activity near Grouse Creek (case file U-72296), and rock activity near Fisher Creek (case file U-72287). The BLM State Director will subsequently be determining the duration of your Record of Noncompliance.

An appeal from this decision may be taken to the State Director, Utah State Office, BLM in accordance with the provisions in Title 43 of the Code of Federal Regulations (CFR) Subpart 3809.4. If an appeal is taken, the notice of appeal must be filed in this office at 2370 South, 2300 West, Salt Lake City, Utah, 84119 within thirty (30) days from receipt of this decision.

Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director from this office. The appeal to the State Director must contain: 1) the name and mailing address of the appellant; 2) when applicable, the name of the mining claim(s) and serial number(s) assigned to the mining claim(s) recorded pursuant to Section 3933 of this title which are subject to appeal; and 3) a statement of reasons for appeal and any arguments the appellant wished to present which would justify reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

If you wish to file a petition for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied,
- 2) The likelihood of the appellant's success on the merits,
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.